

## CLAIM AMENDMENTS

Claims 1-244 (canceled)

245. (currently amended) A nucleic acid construct which comprises a nucleic acid sequence which encodes a non-eukaryotic polymerase, said ~~sequence~~ construct further comprising an intron sequence, non-native to said polymerase, wherein said intron sequence is within the sequence encoding said polymerase and wherein said polymerase is (a) incapable of ~~expression~~ being expressed in an incompatible cell, ~~whereas said incompatibility is due to failure of expression of said polymerase due to~~ the presence of said non-native intron and (b) is capable of producing more than one copy of a nucleic acid sequence from said construct when introduced into a compatible cell.

246. (previously presented) The construct of claim 245, further comprising a recognition site for said polymerase.

247. (previously presented) The construct of claim 246, wherein said recognition site is complementary to a primer for said polymerase.

248. (previously presented) The construct of claim 247, wherein said primer comprises transfer RNA (tRNA).

249. (previously presented) The construct of claim 245, wherein said non-eukaryotic polymerase is selected from the group consisting of RNA polymerase, DNA polymerase, reverse transcriptase, and a combination thereof.

250. (previously presented) The construct of claim 249, wherein said RNA polymerase is a bacteriophage RNA polymerase.

251. (previously presented) The construct of claim 250, wherein said bacteriophage RNA polymerase is selected from the group consisting of T3, T7 and SP6, and a combination thereof.

252. (previously presented) The construct of claim 246, wherein said recognition site is a promoter for said RNA polymerase.

253. (previously presented) The construct of claim 245, wherein said nucleic acid produced from said construct is selected from the group consisting of DNA, RNA, a DNA-RNA hybrid and a DNA-RNA chimera, or a combination of the foregoing.

254. (previously presented) The construct of claim 253, wherein said DNA or RNA comprises sense or antisense, or both.

255. (currently amended) A nucleic acid construct which produces a gene product comprising an intron non-native to said gene product when introduced into an incompatible cell, wherein (a) said ~~an~~ intron sequence is within the ~~a~~ sequence encoding said gene product; (b) said incompatibility is due to failure of expression of said gene product due to the presence of said intron; and (c) said gene product or protein expressed from said gene product would be toxic specifically to an incompatible cell in the absence of said non-native intron.

Claims 256 and 257 (canceled)

258. (previously presented) The construct of claim 255, wherein said gene product is single stranded.

Claims 259-261 (canceled)

262. (currently amended) A nucleic acid construct which when introduced into an incompatible cell produces a gene product comprising an intron non-native to said gene

product, wherein said ~~an~~ intron sequence is inserted within ~~the~~ a sequence encoding said gene product and immediately 3' to (C/A)AG and said incompatibility is due to failure of expression of said gene product due to the presence of said intron, which when in a compatible cell, said intron sequence ~~is~~ substantially removed during processing.

263. (new) The nucleic acid construct according to claim 245, wherein said incompatible cell is a prokaryotic cell and said compatible cell is a eukaryotic cell.

264. (new) The nucleic acid construct according to claim 245, wherein said construct comprises a nucleic acid sequence which encodes a prokaryotic viral polymerase and an intron sequence which is non-native to said polymerase and is within the sequence encoding said polymerase and wherein said nucleic acid sequence encoding said prokaryotic viral polymerase is (a) incapable of expression in a prokaryotic cell, whereas said incompatibility is due to failure of expression of said polymerase due to the presence of said non-native intron and (b) is capable of producing more than one copy of a nucleic acid sequence from said construct when introduced into a eukaryotic cell.

265. (new) The nucleic acid construct according to claim 255, wherein said gene product is selected from the group consisting of sense DNA, sense RNA, antisense RNA, antisense DNA and a combination of the foregoing.

266. (new) The nucleic acid construct of claim 255, wherein said incompatible cell is a prokaryotic cell.

267. (new) The nucleic acid construct of claim 262, wherein said incompatible cell is a prokaryotic cell and said compatible cell is a eukaryotic cell.

268. (new) A method for selectively expressing a non-eukaryotic polymerase in a eukaryotic cell comprising

(a) providing the nucleic acid construct of claim 245 and

- (b) introducing said construct into said eukaryotic cell.

269. (new) A method for selectively expressing a gene product comprising an intron non-native to said gene product in a compatible cell comprising

- (a) providing the nucleic acid construct of claim 262 and
- (b) introducing said nucleic acid construct into a compatible cell.